

### **80-8 Deadly Weapons, Chemical Agents and Explosives**

80-8-1 Purpose • 80-8-2 Policy • 80-8-3 Definitions • 80-8-4 Exceptions • 80-8-5 Self Defense • 80-8-6 Applicability • 80-8-7 Requests for Exceptions • 80-8-8 Sanctions • 80-8-9 Appeals

- 1. Purpose.** The purpose of this policy and subsequent procedures is to regulate the possession and use of deadly weapons, chemical agents, explosives, deadly pathogens, incendiary materials and incendiary devices at the Eastern New Mexico University System (ENMU System).
  
- 2. Policy.** System policies are as follows:
  - A. The following acts are strictly prohibited on any property owned, operated and/or controlled by the ENMU System. This provision applies to ENMU System Property or Vehicles regardless of their location.
    - (1) Possession of explosives, ammunition, incendiary materials and/or incendiary devices in any quantity.
    - (2) Possession of loaded or unloaded firearms whether on one's person or in one's personal vehicle(s).
    - (3) Possession of any conducted electrical weapon (CEW), electronic control device (ECD), Taser and/or stun gun type weapons.
    - (4) Possession of any blunt objects when used as weapons and/or martial arts weapons such as nunchucks, brass knuckles or baton variants.
    - (5) Possession of any switch blades, straight knives, throwing knives, swords, machetes, butterfly knives, spears or folding knives that when opened are greater than nine (9) inches in length from tip of blade to end of handle.
    - (6) Possession of any type of bow and arrow, dart or weapon designed to propel a projectile by air pressure, centrifugal or other force.
    - (7) Possession of aerosol oleoresin capsicum (OC) or pepper defense sprays in excess of three (3) ounces.
    - (8) Knowingly and intentionally exposing another to any potentially terminal or contagious pathogen without their knowledge and consent.
    - (9) Possession or use of any item or tool with intent to intimidate, threaten, harass, assault and/or batter another.
  - B. It is a violation of ENMU System policy to aid or abet another person to conceal or transport deadly weapons, explosives or incendiary materials or devices on ENMU System Property or Vehicles or at ENMU System Events and Activities.
  
- 3. Definitions.** The following definitions and shortened references are used in this document:
  - A. "ENMU System Property or Vehicles" means ENMU System owned or leased properties as administered through each of its campuses, off-campus centers, residence halls, rental properties, athletic fields, arenas, stadiums, including all lands and properties, as well as

ENMU System owned or leased vehicles, both on and off University premises, and all of its associated activities and events.

- B. "ENMU System Events and Activities" includes all activities on and off campus sponsored by ENMU System departments and organizations including student, employee and volunteer organizations.
- 4. Exceptions.** The following are exceptions to the provisions of 80-8-2. A. (1) through 80-8-2. A. (7) of this policy when such does not conflict with existing local, state or federal laws.
- A. Sworn and commissioned law enforcement personnel currently employed by a law enforcement agency who are pending law enforcement certification in the state of New Mexico and have met all requirements as established by New Mexico Administrative Code, the New Mexico Law Enforcement Academy Board and/or existing state law.
  - B. State or federally certified, sworn and commissioned law enforcement officers who are currently employed by a law enforcement agency.
  - C. Sworn and commissioned New Mexico Mounted Patrol Officers, special deputies and transport officers who are on duty and operating within the scope of their duties through the New Mexico State Police or a Sheriff in New Mexico.
  - D. Current members of the United States Armed Forces while on duty and operating within the scope of their responsibilities under order of the governor of New Mexico or the President of the United States;
  - E. An academic program, activity or special event which has been approved by the Chief of Police of the ENMU Department of Public Safety at the ENMU-Portales Campus (see below for request for approval process);
  - F. Students, faculty, staff and visitors of the ENMU System who store their deadly weapons with the ENMU Department of Public Safety or other venue within the ENMU System that has a clearly established policy and procedure for the safe storage of firearms. Such locations will be attended by a state or federally certified firearms instructor who is current on their certification.
  - G. Other exceptions as requested and approved in writing by the Chief of Police of the ENMU Department of Public Safety at the ENMU-Portales Campus.
- 5. Self-Defense.** Nothing in this policy and procedures shall be construed to prohibit any individual from doing what is objectively reasonable given the circumstances to defend themselves or another from an attack.

The foregoing purposes and policies are implemented by the following.

### **Procedures**

- 6. Applicability.** Students, employees, contracted employees, visitors and users of the ENMU System or its branch campuses must abide by this policy as a condition of enrollment, employment or use. Visitors and guests of the ENMU System or its branch campuses must abide

by this policy as a condition of participation in the events and activities of the ENMU System and its branch campuses.

7. **Requests for Exceptions.** Petitions and requests for exceptions to the provisions of this policy and procedures must be submitted in writing to the Chief of Police of the Department of Public Safety at the ENMU-Portales Campus, shall be submitted fifteen (15) days in advance of the date of proposed occurrence and if approved, shall be effective only for the term of approved possession.
8. **Sanctions.** An employee, faculty member or student who violates this policy is subject to discipline in accordance with the policies, procedures and regulations of the ENMU System, including the *Student Code of Conduct* and disciplinary regulations applicable to employees and faculty members. Sanctions for violations will be in accordance with those policies and regulations and may include termination of employment or expulsion from the ENMU System. Visitors and guests found to have violated this policy may be removed ENMU System Property or Vehicles. In some circumstances, conduct that violates this policy may also constitute a violation of New Mexico or federal criminal laws. In such cases, the offender may be criminally prosecuted.
9. **Appeals.** Any aggrieved person affected by a decision (other than a disciplinary decision) directly related to an exemption of this policy may appeal the decision of the Chief of Police to the Chief Financial Officer (CFO) for the ENMU System. The basis of the appeal must be stated in writing. The Chief Financial Officer for the ENMU System shall have ten (10) working days in which to respond to the appeal and their decision shall be final. An appeal of a disciplinary decision arising from a violation of this policy will be in accordance with the applicable disciplinary policy, procedures or regulations.

Approved by the Board of Regents on April 8, 1994.

Amended version approved by the University Policy Council on May 23, 2005.

Approved by the Board of Regents on December 16, 2005.

Amendments approved by Board of Regents, October 12, 2018